



1645
9200

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Binie V. Lipps
Frederick W. Lipps

Serial No.: 09/300,612

Filed: 27 April 1999

For:
ANTI-LTNF FOR IN VITRO ASSAY
OF BIOLOGICAL TOXINS

§ ATTY DCKT NO: FWLPAT012US

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Art Unit: 1645.

Examiner: Baskar, P.

#14

Commissioner of Patents and Trademarks
Washington, D.C. 20231


TRANSMITTAL

Attached hereto for filing in the captioned matter, please find:

1. A Petition under 37 CFR 1.181(a)(3) to withdraw a holding of abandonment, with attachments;
2. A Response to the Office Action dated December 18, 2000, which triggered the holding of abandonment, but which was not received until October 10, 2001.

Please mail correspondence to:

Respectfully submitted:



John R. Casperson
Reg. No. 28,198

CERTIFICATION OF EXPRESS MAILING DATE

I hereby certify that this correspondence is and the attachments itemized above is being deposited by me with the United States Postal Service on 30 Oct 2001 in an envelope as "Express Mail, Post Office to Addressee",

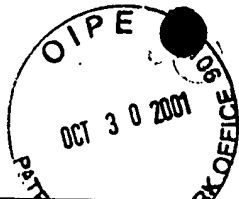
bearing Label Number ET 612019031 US, addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231".

Date 10-30-01


John R. Casperson Reg. No. 28, 198
Tel. No.: 281-482-2961

Send correspondence to:

John R. Casperson
PO Box 2174
Friendswood, Texas 77549



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/300,612 04/27/99 LIPPS

B FWLFATU012

JOHN R CASPERSON
P O BOX 2174
FRIENDSWOOD TX 77549

HM12/0917

EXAMINER

BASKAR, P	
ART UNIT	PAPER NUMBER

1645
DATE MAILED:

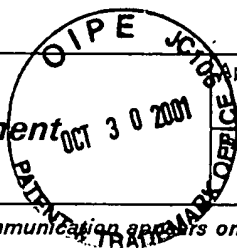
13
09/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

A (10/2)
Mail Copy

Notice of Abandonment



Application No.
09/300,612

Applicant(s)

LIPPS ET AL

Examiner

Padma Baskar

Art Unit

1645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Dec 18, 2000.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ No response has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

A(2)(2)



2001 03 17	MANPAT024EP	MAINT. LET	MAR 17, 2001
2001 03 17	MANPAT019EP	MAINT. LET	MAR 17, 2001
2001 03 17	PSITMK003US	P TEST. CLOSES	MAR 17, 2001
2001 03 18	VER PAT 1	MAINT. LET.	MAR 18, 2001
2001 03 21	MANPAT025US	ISSUE FEE	MAR 21, 2001
2001 03 21	AIRTMK020US	RESUMPTION OF CANC	MAR 21, 2001
2001 03 24	MIE PAT 1	FF LETTER	MAR 24, 2001
2001 03 25	FDI PAT 1	EXPIRES	MAR 25, 2001
2001 03 25	ROS PAT 1	MAINTENANCE LETTER	MAR 25, 2001
2001 03 25	TEXPAT001FF	ANNUITY LETTER	MAR 25, 2001
2001 04 02	BKRTMK001US	RESPONSE	APR 2, 2001
2001 04 05	LIVTMK001US	USE LETTER	APR 5, 2001
2001 04 07	TAS PAT 1	MAINTENANCE DUE	APR 7, 2001
2001 04 09	MANPAT011EP	ANNUITY LETTER	APR 9, 2001
2001 04 12	MANTMK002CA	USE LETTER	APR 12, 2001
2001 04 13	ASTSMK001US	USE LETTER	APR 13, 2001
2001 04 14	MANPAT003US	MAINTENANCE FEE	APR. 14, 2001
2001 04 14	MANPAT004US	MAINTENANCE FEE	APR. 14, 2001
2001 04 20	IBRTMK009US	RESPONSE	APR 20, 2001
2001 04 22	COL PAT 2	COMPLETE FF	APR 22, 2001
2001 04 23	AIR SMK 2	AFFIDAVIT	APR 23, 2001
2001 04 23	MANPAT018EP	MAINT. LET	APR 23, 2001
2001 04 30	LAUPAT01US	FF LET	APR 30, 2001
2001 04 30	MANPAT012""US	MAINT. LET	APR 30, 2001
2001 04 30	SYNPAT004US	MAINT. LETTER	APR 30, 2001

12-29-00 docket

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2001 03 09	TEXPAT002US	COMPLETE FF	MAR 9, 2001
2001 03 10	SEAPAT002US	COMPLETE FF	MAR 10, 2001
2001 03 11	NITPAT009US	RESPONSE	MAR 11, 2000
2001 03 11	MAX PAT 1	COMPLETE FF	MAR 11, 2001
2001 03 11	CAL PAT 1	MAINT. LETTER	MAR 11, 2001
2001 03 11	WEJ PAT 1	COMPLETE FF	MAR 11, 2001
2001 03 12	CLU TMK 6	STATEMENT OF USE	MAR 12, 2001
2001 03 12	CLU TMK 4	STATEMENT OF USE	MAR 12, 2001
2001 03 14	AIRPATFF	MAINT. DUE	MAR 14, 2001
2001 03 15	PLTPAT003US	FOLLOWUP	MAR 15, 2001
2001 03 15	MANPAT015WO	NATIONALS (30 MO)	MAR 15, 2001
2001 03 16	DJE PAT 1	MAINT. DUE	MAR 16, 2001
2001 03 17	MANPAT024EP	MAINT. LET	MAR 17, 2001
2001 03 17	MANPAT019EP	MAINT. LET	MAR 17, 2001
2001 03 17	PSITMK003US	P TEST. CLOSES	MAR 17, 2001
2001 03 18	VER PAT 1	MAINT. LET.	MAR 18, 2001
2001 03 21	MANPAT025US	ISSUE FEE	MAR 21, 2001
2001 03 21	AIRTMK020US	RESUMPTION OF CANC	MAR 21, 2001
2001 03 24	MIE PAT 1	FF LETTER	MAR 24, 2001
2001 03 25	FDI PAT 1	EXPIRES	MAR 25, 2001
2001 03 25	ROS PAT 1	MAINTENANCE LETTER	MAR 25, 2001
2001 03 25	TEXPAT001FF	ANNUITY LETTER	MAR 25, 2001
2001 04 02	BKRTMK001US	RESPONSE	APR 2, 2001
2001 04 05	LIVTMK001US	USE LETTER	APR 5, 2001
2001 04 07	TAS PAT 1	MAINTENANCE DUE	APR 7, 2001

1-9-01 docket

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2001 03 12	KCCPAT004FF	MAINT LET	MAR 12, 2001
2001 03 12	CLU TMK 6	STATEMENT OF USE	MAR 12, 2001
2001 03 12	CLU TMK 4	STATEMENT OF USE	MAR 12, 2001
2001 03 14	AIRPATFF	MAINT. DUE	MAR 14, 2001
2001 03 15	PLTPAT003US	FOLLOWUP	MAR 15, 2001
2001 03 15	MANPAT015WO	NATIONALS (30 MO)	MAR 15, 2001
2001 03 16	DJE PAT 1	MAINT. DUE	MAR 16, 2001
2001 03 17	MANPAT024EP	MAINT. LET	MAR 17, 2001
2001 03 17	MANPAT019EP	MAINT. LET	MAR 17, 2001
2001 03 17	PSITMK003US	P TEST. CLOSES	MAR 17, 2001
2001 03 18	VER PAT 1	MAINT. LET.	MAR 18, 2001
2001 03 20	IBRPAT002US	NOTICE APPEAL	MAR 20, 2001
2001 03 21	MANPAT025US	ISSUE FEE	MAR 21, 2001
2001 03 21	AIRTMK020US	RESUMPTION OF CANC	MAR 21, 2001
2001 03 22	MANPAT023US	AMEND (2 MO)	MAR 22, 2001
2001 03 24	MIE PAT 1	FF LETTER	MAR 24, 2001
2001 03 25	FDI PAT 1	EXPIRES	MAR 25, 2001
2001 03 25	ROS PAT 1	MAINTENANCE LETTER	MAR 25, 2001
2001 03 25	TEXPAT001FF	ANNUITY LETTER	MAR 25, 2001
2001 03 26	TASPAT011US	NOTICE APPEAL	MAR 26, 2001
2001 04 02	BKRTMK001US	RESPONSE	APR 2, 2001
2001 04 05	LIVTMK001US	USE LETTER	APR 5, 2001
2001 04 07	TAS PAT 1	MAINTENANCE DUE	APR 7, 2001
2001 04 09	MANPAT011EP	ANNUITY LETTER	APR 9, 2001
2001 04 12	MANTMK002CA	USE LETTER	APR 12, 2001



2-2-01 Rocket

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2001 03 01	ACITMK002US	FILE?	MAR 1, 2001
2001 03 07	OSI TMKS	FILE?	MAR 7, 2001
2001 03 09	NPVPAT001US	FILE?	MAR 9, 2001
2001 03 09	MANPAT016'US	MAINT. DUE	MAR 9, 2001
2001 03 09	TEXPAT002US	COMPLETE FF	MAR 9, 2001
2001 03 11	MAX PAT 1	COMPLETE FF	MAR 11, 2001
2001 03 11	CAL PAT 1	MAINT. LETTER	MAR 11, 2001
2001 03 12	CLU TMK 6	USE LET	MAR 12, 2001
2001 03 12	CLU TMK 4	USE LET	MAR 12, 2001
2001 03 14	AIRPAT001JP	REQ EXAM	MAR 14, 2001
2001 03 15	PLTPAT003US	FOLLOWUP	MAR 15, 2001
2001 03 15	MANPAT015WO	NATIONALS (30 MO)	MAR 15, 2001
2001 03 17	MANPAT024EP	MAINT. LET	MAR 17, 2001
2001 03 17	PSITMK003US	P TEST. CLOSES	MAR 17, 2001
2001 03 17	LIVPAT001US	RESPONSE + 1 MO	MAR 17, 2001
2001 03 18	VER PAT 1	MAINT. LET.	MAR 18, 2001
2001 03 19	FWLPAT007EP	RESP. TO ASSOC.	MAR 19, 2001
2001 03 20	IBRPAT002US	NOTICE APPEAL	MAR 20, 2001
2001 03 21	AIRTMK020US	RESUMPTION OF CANC	MAR 21, 2001
2001 03 22	MANPAT023US	AMEND (2 MO)	MAR 22, 2001
2001 03 24	MIE PAT 1	FF LETTER	MAR 24, 2001
2001 03 25	ROS PAT 1	MAINTENANCE LETTER	MAR 25, 2001
2001 03 25	TEXPAT001FF	ANNUITY LETTER	MAR 25, 2001
2001 03 26	TASPAT011US	NOTICE APPEAL	MAR 26, 2001
2001 04 01	GONPAT001US	FILE?	APR 1, 2001

3-2-01 docket

B4



Law Office of John R Casperson, PC
P.O. Box 2174
Friendswood, TX 77549

Invoice submitted to:
FREDERICK W. LIPPS
OPHIDIA PRODUCTS, INC.
4509 MIMOSA DR.
BELLAIRE TX 77401

January 16, 2001

In Reference To: SERVICES RENDERED

Invoice # 11029

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>FWLCONS00</u>		
12/11/00 Telephone Consultation—discussed upcoming meeting	[REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
<u>FWLPAT007EP</u> [REDACTED]		
12/12/00 Patent work—miscellaneous—tend to payment of associate	[REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
<u>FWLPAT007US</u> [REDACTED]		
1/11/01 Patent work—miscellaneous—preparation and presentation at board of appeals hearing	[REDACTED]	[REDACTED]
1/12/01 Telephone Consultation	[REDACTED]	[REDACTED]
Patent work—miscellaneous—review written description [REDACTED]	[REDACTED]	[REDACTED]

C1 (1073)

	<u>Hrs/Rate</u>	<u>Amount</u>
1/12/01 Telephone Consultation—with [REDACTED]	[REDACTED]	[REDACTED]
1/15/01 Patent work—miscellaneous—[REDACTED]	[REDACTED]	[REDACTED]
1/16/01 Patent work—miscellaneous—finalize and mail followup to Board of Appeals, copy client, telecons with client and [REDACTED]	[REDACTED]	[REDACTED]
Patent work—miscellaneous—[REDACTED]	[REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
<u>FWLPATUS008</u>		
1/16/01 Patent work—miscellaneous—tend to maintenance fee payment, check docket for next payment due		[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
For professional services rendered		[REDACTED]
Additional Charges :		
<u>FWLPAT007US</u> [REDACTED]		
1/11/01 prorated trip expenses [REDACTED]		[REDACTED]
1/16/01 express mail		[REDACTED]
SUBTOTAL:		[REDACTED]
<u>FWLPATUS008</u>		
1/16/01 GOVERNMENT FEES—first maintenance fee		[REDACTED]
express mail to PTO		[REDACTED]
SUBTOTAL:		[REDACTED]

C1 (2 of 3)

FREDERICK W. LIPPS

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Total costs

Amount

Total amount of this bill

Previous balance

Balance due

C3 (3 of 3)



Law Office of John R Casperson, PC
P.O. Box 2174
Friendswood, TX 77549

Invoice submitted to:
FREDERICK W. LIPPS
OPHIDIA PRODUCTS, INC.
4509 MIMOSA DR.
BELLAIRE TX 77401

January 30, 2001

In Reference To: SERVICES RENDERED

Invoice # 11033

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>FWLPAT007US</u> [REDACTED]		
1/17/01 Patent work—miscellaneous—receive and review [REDACTED] secrecy agreement, telecon client, select and copy materials from files, transmit to [REDACTED] with cover letter	[REDACTED]	[REDACTED]
1/26/01 Telephone Consultations—with Binie and attorney	[REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
<u>FWLPAT014US</u> [REDACTED]		
1/26/01 Patent Application—Preparing the Application—review fax, telecon Binie	[REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]	[REDACTED]
For professional services rendered	[REDACTED]	[REDACTED]

C2 (1 of 2)

Additional Charges :

	<u>Amount</u>
<u>FWLPAT007US</u> [REDACTED]	
1/17/01 transmit materials by express mail to [REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]
<u>FWLPAT014US</u> [REDACTED]	
1/30/01 GOVERNMENT FEES	[REDACTED]
express mail [REDACTED]	[REDACTED]
SUBTOTAL:	[REDACTED]
Total costs	[REDACTED]
Total amount of this bill	[REDACTED]
Previous balance	[REDACTED]
Balance due	[REDACTED]

C2 (2 of 2)